IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

WRIT PETITION (PIL) NO.1684 OF 2005

AGNI-Action for Good Governance
and Networking in India & anr. Petitioners
vs.
Municipal Mazdoor Union and
Allied Unions & ors. Respondents

Mr.R.D.Soni i/b.M/s.Khaitan & Jayakar for the petitioners.

Mr.J.P.Cama, Senior Counsel i/b.Mr.K.P.Anilkumar for the respondent no.1.

Mr.K.K.Singhvi, Senior Counsel with Mrs.P.A.Purandare for respondents 6 and 7.

Mr.R.M.Sawant, Government Pleader for respondent no.8-State.

CORAM : R. M. LODHA &
A.S.BAGGA, JJ.

DATED : 8th June, 2006

P.C.

Heard.

2. Mr.K.K.Singhvi, the senior counsel for Municipal Corporation for Greater Mumbai placed before us the copy of the notification dated 25th July, 2005, marked "X" for identification purposes.

3. From the perusal of the notification dated 25th July, 2005, we find that the following matters in dispute have been referred to Justice S.P.Bharucha

(Retired Chief Justice of Supreme Court of India) as an arbitrator under Section 10A of the Industrial Disputes Act, 1947.

"(a) The agreement related to the pay-scales of the municipal employees effective from 1st July 1995 came to an end on 31st March 2000. Various unions representing municipal employees submitted the charter of demands for the period from 1st April 2000.

(b) By an Agreement dated 23rd day of October 2001 executed between the MCGM and Mumbai Mahanagarpalika Kamgar Karmachari Kruti Samiti it was agreed to resolve the issue of revision of grade and allied matters of Municipal employees by referring of grade and allied matters of Municipal employees by referring to a Three Members Committee referred to as Pay Revision Committee comprising of Honourable Justice S.P.Kurdukar, Retired Supreme Court Judge as Chairman, Shri S.G.Kale, Ex-Municipal Commissioner, MCGM and Shri A.B.Maduskar, Ex-Jt.Municipal Commissioner on the terms and conditions mentioned therein. All the unions were at that time the members of Mumbai Mahanagarpalika Kamgar Karmachari Kruti Samiti and as such were signatories to the agreement dated 23rd October 2001.

(c) The P.R.C.has submitted Part 1 of its report on 24th June 2004 contain therein recommendations regarding Pay, Dearness Allowance, House Rent Allowance, Leave Travel Assistance, Transport Subsidy Allowance, Monthly Medical Allowance and other allowances. The P.R.C. is yet to submit Part II of its report as per the said agreement regarding manpower requirements, works norms and productivity.

(d) The unions have not agreed with rate of D.A. and its neutralization as per the report and recommendations of the P.R.C.

(e) In order to resolve the dispute by legal means both the parties by separate Agreements dated 31st March 2005 and 5th April 2005 have agreed to refer the following dispute to an Arbitrator under Section 10A of Industrial

Disputes Act, 1947:

> "Whether for the period of 1st April 2000 to 31st March 2005, the Municipal Corporation of Greater Mumbai shall pay to its employees the rate of D.A. and its neutralization in existence prior to the recommendations of Pay Revision Committee or shall pay its employees, the rate of D.A. and its neutralization as per the recommendation of Pay Revision Committee. If neither, what should be rate of D.A. and its neutralisation?"

4. The aforesaid matters in dispute having been referred to Justice S.P.Bharucha as an arbitrator under Section 10A of the Industrial Disputes Act, 1947, we are satisfied that the grievance raised by the petitioner in the writ petition does not deserve to be gone into by us.

5. Writ petition is disposed of accordingly.

(R.M. LODHA,J.)

(A.S. BAGGA,J.)